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9 Attorneys for Defendants
10 Homestore, Inc., The National Association of
11 Realtors and The National Association of
Home Builders of the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

16 KEVIN L. KEITHLEY and TREN
17 TECHNOLOGIES HOLDING LLC,
Plaintiffs

18

19 HOMESTORE.COM, INC., et al.

20 Defendants.

Case No. C 03-4447 MJJ (EDL)

**MOTION TO REMOVE
CONFIDENTIAL DOCUMENTS**

**DECLARATION OF S. BENJAMIN
PLEUNE IN SUPPORT**

~~[PROPOSED]~~ ORDER

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1 On February 21, 2007, Defendants filed a Motion to Compel Documents and
2 Information related to the Northwater Entities (Docket No. 206). On March 19, 2007, Plaintiffs
3 notified Defendants that its Motion to Compel made reference to and attached a document
4 (Exhibit 11) designated by Plaintiffs as "Confidential – Attorneys Eyes Only". On March 20,
5 2007, Defendants re-filed their Motion to Compel, accompanied by a motion requesting that
6 Exhibit 11 and references to Exhibit 11 be sealed (Docket Nos. 213-15). Defendants also
7 delivered an email to ecfhelpdesk@cand.uscourts.gov, notifying the ECF help-desk of the
8 inadvertent reference to materials marked confidential. Thereafter, counsel for Defendants
9 called the ECF help-desk at 1-866-638-7829, requesting that access to Docket No. 206 be
10 restricted.

11 Defendants are not asserting that any portion of their Motion to Compel or Exhibit 11
12 attached thereto contains information that is confidential. However, Plaintiffs have designated
13 Exhibit 11 as confidential, and Defendants Motion to Compel makes reference to and attaches a
14 copy of Exhibit 11. Accordingly, and pursuant to their obligations under the Protective Order
15 and Civil Local Rule 79-5, Defendants respectfully request that the Court remove Docket No.
16 206 from the public file of Civil Action No. 03-4447-MJJ.

17 Respectfully submitted this 20th day of March, 2007.

18
19 GEORGE M. BORKOWSKI
20 MITCHELL SILBERBERG & KNUPP

21 _____
22 /s/ S. Benjamin Pleune
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27 HOMESTORE, INC., THE NATIONAL
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 NATIONAL ASSOCIATION OF HOME
 BUILDERS OF THE UNITED STATES

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SUPPORTING DECLARATION OF S. BENJAMIN PLEUNE

I, S. Benjamin Pleune, declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of North Carolina. I am an associate in the law firm of Alston & Bird, LLP, counsel for defendants Homestore, Inc., The National Association of Realtors, and The National Association of Home Builders of the United States (collectively "Defendants"). I have knowledge of all of the following facts and, if called as a witness, could and would competently testify thereto.

2. The representations made above in this Motion are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 20, 2007, at Charlotte, NC.

/s/ S. Benjamin Pleune

S. Benjamin Pleune

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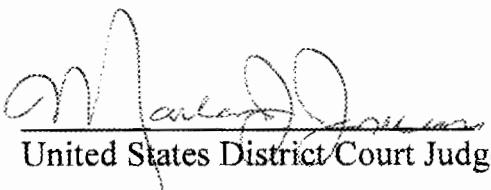
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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23

24 KEVIN L. KEITHLEY,
25 Plaintiffs,
26 v.
27 HOMESTORE.COM, INC., et al.,
28 Defendants.

Case No. C 03-4447 MJJ
The Honorable Martin J. Jenkins
[PROPOSED] ORDER

1 Good cause appearing therefore, Defendants' Motion to Remove
2 Confidential Documents is **GRANTED**. The Court hereby **ORDERS** that Docket
3 No. 206 be removed from the public file of Civil Action No. 03-4447-MJJ.

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5 Dated: 4/1/2007 
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7 United States District Court Judge

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